



Policies

MATERNITY LEAVE POLICY

1 Purpose

Hatch Warren Under Fives and Kempshott Under Fives Preschool will hereafter be referred to as the "Preschool".

Preschool supports the Government's commitment towards working parents by ensuring that the Preschool is compliant with the legislation on maternity rights and that clear guidance is provided to employees on statutory maternity rights and entitlements.

In addition, Preschool endeavours to take all reasonable steps to ensure the health and safety of expectant mothers who have notified the Preschool of their pregnancy, whilst in the workplace.

2 Scope

This policy applies to all employees of Preschool who are pregnant or have recently given birth.

The application of this policy is discretionary and does not form part of the employee's contract of employment.

Preschool reserves the right to amend this policy at any time in line with any changes to legislation.

3 Policy Details

All pregnant employees regardless of their length of service are legally entitled to take up to one year's Maternity Leave. This comprises 26 weeks Ordinary Maternity Leave (OML) immediately followed by up to a further 26 weeks Additional Maternity Leave (AML).

3.1 Notification of pregnancy

By no later than 15 weeks before the baby is due, the employee must notify their Manager in writing of her pregnancy using the Statutory Maternity Leave Request Form and ensure that she confirms the expected week of childbirth and the date upon which she would like to commence Maternity Leave. It will be assumed that the full 52 weeks Maternity Leave will be taken unless the employee specifies as part of the notification an earlier date when she would anticipate returning to work. It is recommended, however, that the employee notifies her Manager as soon as she is aware of her pregnancy to ensure that regular risk assessments are undertaken during the pregnancy and that any potential risks to the employee or her unborn child are managed.

The employee must also provide a completed MATB1 form to their Manager. This is a form available from 24 weeks of pregnancy from the GP, midwife or hospital doctor, confirming the pregnancy and expected week of childbirth. The form must state either the doctor's name and address or the midwife's name and registration number. The Preschool is unable to commence payment of Statutory Maternity Pay (SMP) until the MAT B1 form is received.

Failure to provide the notification within the specified period may result in the employee losing her right to start Maternity Leave on the desired date and/or her right to receive Statutory Maternity Pay.

3.2 Risk assessment

Under the Management of Health and Safety at Work regulations 1999, the Preschool has a legal obligation, to assess the risks to the health and safety of new and expectant mothers and their children. This responsibility continues for up to six months after the birth of the child and while the employee is breastfeeding.

Regular risk assessments will be carried out during the pregnancy as risks may vary at different stages of pregnancy and on return to work should the employee continue to breastfeed. If following a risk assessment it is concluded that there is a significant risk to the health and safety of either the employee or her unborn baby, consideration will be made to temporarily adjust the employee's working conditions and/or hours of work, if it is reasonable to do so, and would mitigate the risk. In the event that there is still a risk or it is not reasonable to adjust the employee's working conditions, the Preschool will investigate whether there is any suitable alternative work that the employee could undertake. This would be on no less favourable terms than the employee's existing terms and conditions of employment. Should there not be any suitable alternative work the employee will be placed on paid leave for as long as necessary to protect the health of safety of her and her unborn baby.

3.3 Antenatal care

All pregnant employees are entitled to take paid time off for antenatal care and to attend appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not just restricted to medical examinations, but may include relaxation classes or parent craft classes as long as attendance at these has been advised as stated above. The Line Manager may request to see an appointment card or documentation confirming any appointment.

Wherever possible the employee should endeavor to provide her Manager with as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible, or for part-time employees, on days or at times when they do not work.

3.4 Sickness absence

If an employee is absent from work during pregnancy due to sickness, normal statutory or contractual sick pay will apply, providing that Maternity Leave has not yet begun. If however, the employee is absent from work due to a pregnancy related illness after the beginning of the 4th week before her expected week of childbirth, Maternity Leave will normally start automatically.

3.5 Maternity start date

Ordinary Maternity Leave can start at any time after the beginning of the 11th week before the expected week of childbirth. In the event of a premature birth before this period, Maternity Leave will commence the day after the date of birth.

Maternity Leave will start on whichever date is the earlier of:

- The employee's chosen start date;
- The date after the employee gives birth; or
- The date after any day the employee has been absent due to sickness for a pregnancy related reason in the 4 weeks before the expected week of childbirth.

The employee must notify the Preschool in writing as soon as reasonably practicable, if she has given birth prior to her Maternity Leave commencing.

Employees are entitled to vary the date on which they want their Maternity Leave to start, unless the baby has already been born, providing they give a minimum of 28 days' notice in writing, unless this is not reasonably practicable.

3.6 Miscarriage or stillbirth

In the unfortunate event of a stillbirth after the 24th week of pregnancy, the employee's Maternity Leave will start the day after the birth. The employee can return to work at any time during her Maternity Leave providing 8 weeks' notice is given. The employee may give less notice if agreed by her Manager; however the employee cannot return to work for at least two weeks after the birth.

A miscarriage or still birth in the first 24 weeks of pregnancy is not classed as childbirth, therefore, an employee has no special rights to leave or pay under the maternity legislation. Any absence on medical grounds as a result would be treated in the same way as pregnancy-related sickness.

3.7 Statutory Maternity Pay

An employee is eligible to receive up to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- They have worked for the Preschool for a continuous period of at least 26 weeks by the beginning of the 15th week before the expected week of childbirth; and
- Their average weekly earnings in the eight weeks up to and including the 15th weeks before the expected week of childbirth have been at least equal to the lower earnings limit for National Insurance Contributions.

The Statutory Maternity Pay standard rate is set by the government and may be subject to change on an annual basis. Statutory Maternity Pay is payable whether or not the employee returns to work after Maternity Leave.

3.8 Maternity Allowance

If the employee does not qualify for Statutory Maternity Pay, she may be entitled to Maternity Allowance (MA), which is paid by Jobcentre Plus to qualifying women. The Preschool will provide the employee with form SMP1 outlining the reasons as to why the Preschool cannot pay her Statutory Maternity Pay.

3.9 Rights during Maternity Leave

During Maternity Leave employees are entitled to the benefit of all of their contractual terms except remuneration. Salary is replaced by Statutory Maternity Pay where the employee is eligible to receive this.

Employees continue to be bound by their contract of employment during Maternity Leave.

An employee returning to work after Ordinary Maternity Leave is entitled to return to the same role and same terms and conditions. An employee returning to work after Additional Maternity Leave is entitled to return to the same role on the same terms and conditions unless it is not reasonably practicable. In these circumstances the employee is entitled to be offered a similar position, which as a minimum has the same status and terms and conditions as the role they carried out prior to the commencement of Maternity Leave.

3.10 Annual leave

Employees will continue to accrue annual leave during Maternity Leave. However, annual leave cannot be taken whilst on Maternity Leave without bringing the Maternity Leave to an end.

The Manager will ask the employee to confirm their annual leave arrangements prior to commencing and returning from Maternity Leave to ensure that the employee is paid correctly.

3.11 Bank Holidays

Employees will be paid for any bank holidays which fall during Maternity Leave. Payment will be made at the end of the Maternity Leave.

3.12 Keeping in Touch days

An employee may carry out up to 10 days' work during her Maternity Leave period without bringing the Maternity Leave to an end. Any work carried out on any day shall count as one Keeping in Touch day for which the employee will be paid a day's basic pay, or be paid for the number of hours worked if less than a day.

Keeping in Touch Days cannot be taken during the two-week period commencing on and including the day on which childbirth occurs.

Work during Maternity Leave may only take place by agreement by both parties. The Preschool may not expect an employee to work during Maternity Leave if she doesn't wish to, nor does the employee have the right to work during Maternity Leave if the Preschool does not agree to it. Any days work carried out will not have the effect of extending the total Statutory Maternity Leave period.

3.13 Contact during Maternity Leave

During the Maternity Leave period the Preschool/ Manager may make reasonable contact with the employee. The frequency and nature of the contact will depend on a number of factors, such as the employee's job role, important information that needs to be communicated or to discuss the employee's return to work.

3.14 Pay Reviews

If a Preschool pay review occurs whilst the employee is on Maternity Leave, and her salary is increased between the start of the pay calculation period and the end of her Maternity Leave, the Preschool will re-calculate her maternity pay levels based on her new salary.

3.15 Return to work

Employees are not expected to confirm in writing or provide advance notification of the date that they will return from Maternity Leave if the date is the same as the date originally notified, or is at the end of the 52 weeks Maternity Leave.

An employee has the right to return to work before the notified date providing that 8 weeks' notice in writing is given. If the required notice is not given, the Preschool may postpone the employee's return until the required 8 weeks' notice has been reached or the period of Additional Maternity Leave has expired, whichever event happens soonest.

If the employee intends to extend her Maternity Leave from the original date agreed, up to a maximum of 52 weeks (Ordinary Maternity Leave plus Additional Maternity Leave entitlement), 8 weeks' notice must be given, in writing, of her new date of return.

Where the employee is unable to attend work at the end of her Maternity Leave due to sickness, the Sickness Absence Policy will apply and should be adhered to.

The employee must give the normal notice, as per their contract of employment, if she doesn't intend to return to work after her Maternity Leave.

3.16 Shared Parental Leave

Shared Parental Leave provides parent with the opportunity to consider the best arrangements to care for their child during the child's first year by enabling parents to share the care of the child. Please refer to the Shared Parental Leave Policy for further information.

This policy was adopted at a meeting of the Preschool held on:

Signed on behalf of the Preschool _____

APPENDIX 1 – Statutory Maternity Leave Request Form

Please read these notes before completing the form	
1. In order for us to process your intention to take maternity leave, we require the information requested on this form. Please complete it in as much detail as possible to enable our smooth processing of your request. 2. The earliest date you can start maternity leave is the 11th week before your expected week of childbirth (EWC). 3. Unless you state otherwise, we will assume that you will take your full entitlement of 52 weeks' maternity leave. You are able to change your return-to-work date provided you give us at least 8 weeks' notice. This applies whether you simply wish to return to work early or because you qualify for take shared parental leave and wish to take it. 4. Please return the form as indicated below by the 15th week before the expected week of childbirth (EWC). If there is a good reason that you cannot return it by this date, please return it as soon as possible after this date. When complete, please return this form to: PRESCHOOL MANAGER Please also keep a copy for your records.	
EMPLOYEE DETAILS	
Name of employee: Home address: Email address: Telephone number:	
MATERNITY LEAVE DETAILS	
Expected week of childbirth:	
Intended start date of maternity leave:	
Intended return to work date:	
Declaration: • I confirm that I am pregnant; • I understand that HATCH WARREN UNDER FIVES LTD will require me to produce a medical certificate (eg MATB1) as evidence of my pregnancy and my EWC. Employee signature: Date:	